

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALTAF CHOWDHURY,

Plaintiff,

-against-

PETER LUGER, INC., et al.,

Defendants.
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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's motion seeking leave to allow the parties to conduct discovery on the Brooklyn subclass prior to their engaging in a meet and confer pursuant to Fed. R. Civ. P. 26 (f). That request is denied. However, the parties are directed to meet and confer at a mutually agreeable time on or before June 12, 2015, to discuss discovery concerning the plaintiff's individual claims.

Also before the court is the defendants' motion concerning May 6, 2015 letter addressed to Peter Luger Employees, which defendants argue is an improper solicitation of business. The law cited by the defendants concerning "Attorney Advertising" ignores an ABA opinion that addresses the parameters under which both plaintiff's and defense counsel may ethically contact potential future plaintiffs. ABA, Formal Op. 07-445 (2007). As is explained in the Opinion, "[b]oth plaintiffs' counsel and defense counsel have a legitimate need to reach out to potential class members regarding the facts that are the subject of the potential class action." Accordingly, no action of the court is warranted.

Dated: Central Islip, New York
May 22, 2015

SO ORDERED:

_____/s/
ARLENE R. LINDSAY
United States Magistrate Judge